

MINUTES

MONTANA SENATE 56th LEGISLATURE - REGULAR SESSION Committee on HIGHWAYS AND TRANSPORTATION

Call to Order: By **CHAIRMAN ARNIE MOHL**, on January 5, 1999 at
3:00 P.M., in Room 410 Capitol.

ROLL CALL

Members Present:

Sen. Arnie Mohl, Chairman (R)
Sen. Ric Holden, Vice Chairman (R)
Sen. Mack Cole (R)
Sen. Bob DePratu (R)
Sen. John Hertel (R)
Sen. Reiny Jabs (R)
Sen. Greg Jergeson (D)
Sen. Glenn Roush (D)
Sen. Debbie Shea (D)
Sen. Spook Stang (D)
Sen. Daryl Toews (R)

Members Excused: None.

Members Absent: None.

Staff Present: Connie Erickson, Legislative Services Division
Phoebe Olson, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) SB 10 & Date(s) Posted: 1-4-99
Executive Action: None

HEARING ON SB 10

Sponsor: **CHAIRMAN ARNIE MOHL , SD 39, KALISPELL**

Proponents:

Dave Galt, MT Department of Transportation

Bob Stephens, MT Grain Growers

Brain Cavey, MT Motor Carriers

Ron Deyong, MT Farmers Union

Lorna Karn, MT Farm Bureau.

Opponents: NONE

VICE-CHAIRMAN RIC HOLDEN, assumed the chair.

Opening Statement by Sponsor:

SENATOR ARNIE MOHL, SD 39, KALISPELL, stated that he sponsored the bill at the request of the Department of Transportation. He described that the intent of the bill was to protect the safety of the traveling public by requiring that agricultural vehicles over 16.5 feet wide operating on interstate highways, have a flag car at the rear and travel on the far right of the road including the shoulder. He believed it was a necessary bill and that no one should have a real problem with it.

Proponents:

Dave Galt, Department of Transportation, stated that the bill stemmed from concerns that the Department of Transportation Engineers had about having slow moving vehicles and wide farm implements operating on the highway. He pointed out that in Section 1 Subsection 4 of the bill, the Department's intent was to let people know that it was alright to use the shoulder when a vehicle exceeded a certain width. He went on to say that the other part of the bill, Section 2 Subsection 2b, stated that an implement of husbandry or vehicle used for hauling hay that exceeds 16.5 feet was to be followed by a flag car escort. It was made known that the law says that if you are over 12.5 feet and you were operating on a highway you had to be preceded by a flag car. The bill before the committee said that if you were on the Interstate you had to be followed by a flag car. He didn't think that the bill added a flag car, but that it just restated where that flag car had to be.

Ron Deyong, MT. Farmers Union, stated support for the bill.

Bob Stephens, MT. Grain Growers Association, stated support for the bill.

Lorna Frank Karn, MT. Farm Bureau, stated support for the bill.

Opponents: NONE

Questions from Committee Members and Responses:

SENATOR REINY JABS, questioned if flag cars were required for slow moving vehicles.

Dave Galt, Department of Transportation, replied that they were usually just required to have a triangle.

SENATOR DARYL TOWES, commented that the bill said as far to the right as possible. He questioned the interpretation of that and wondered if the Interstate would be signed to reflect the change.

Dave Galt, asserted that he did not plan on signing the Interstate. He interpreted as far right as possible to be as far to the right without going off the pavement. He said the point they were trying to make was that it was O.K. to use the shoulder of the road.

SENATOR TOWES, wondered if you took "as far right as possible" out of the bill if it would effect what the bill was trying to accomplish.

Dave Galt, replied that it would not.

SENATOR MACK COLE, asked **Col. Reap**, if he had any figures on the number of wrecks or collisions involving vehicles that were 16½ feet or over on the highways with him at the present time.

Col. Reap, MT Highway Patrol, replied that he did not have figures at the time but could do some research to find out.

SENATOR COLE, declared he would like the information.

SENATOR BOB DEPRATU, asked **Col. Reap** how he felt his officers would interpret the language "as far right as possible".

Col. Reap, thought that they would look at that as the paved portion of the road, or if there was an emergency lane the vehicle would be allowed to travel in that.

SENATOR DEPRATU, wondered if Highway Patrol officers would do anything about the conflict with the no driving on the shoulder signs.

Col. Reap, didn't think that the emergency lane would be considered the shoulder in the way he interpreted it.

SENATOR BARRY "SPOOK" STANG, asked what would be done if there happened to be a paved bike path that ran along the highway.

Col Reap, said that in his opinion they would not be required to use any portion of the bike path.

SENATOR GREG JERGESON, asked what the dimensions of a driving lane and the typical width of a shoulder were.

Dave Galt, responded the driving lane was 12 feet wide and the shoulder was 8 feet wide.

SENATOR REINY JABS, asked what the maximum allowable width of a vehicle was to be operating on the highway.

Dave Galt, responded there was no limit on the amount of width for an implement of husbandry that was allowed on the highway.

VICE CHAIRMAN RIC HOLDEN, mentioned that **Dave Galt** had said he didn't think that an additional flag person was required by passage of the bill. He wondered where it said that a flag person was required at all for agriculture.

Dave Galt, responded that Section 2, statute of law 61-10-102 paragraph 2, exempted implements of husbandry from the width statute. He continued by saying if you went down 4 lines it said if a vehicle was more than 12½ feet wide it must be preceded by a flag car escort.

Closing by Sponsor: **SENATOR MOHL**, said he just had a couple of comments. One in regards to the bike path on the Interstate. He said that if you were moving an 18 foot combine you couldn't go any further than about six feet over or you would start hitting the delineators and the signs that are on the side of the road. He also mentioned that he did check with the Department of Transportation and they said the Interstate shoulder was built to withstand that extra load since it would be a slow moving vehicle. He suggested that an amendment might have to be offered to change Section 2 to say Interstates and four lane roads. He encouraged the committee to pass the bill.

ADJOURNMENT

Adjournment: 3:30 P.M.

SEN. ARNIE MOHL, Chairman

PHOEBE OLSON, Secretary

AM/PO

EXHIBIT (his02aad)